



July 18, 2007

Mr. Mike Riemann  
Becker Morgan Group, Inc.  
309 S. Governors Avenue  
Dover, DE 19904

RE: PLUS review – PLUS 2007-06-07; Cape Medical Center

Dear Mr. Riemann:

Thank you for meeting with State agency planners on June 27, 2007 to discuss the proposed plans for the Cape Medical Campus project to be located near the intersections of Cedar Grove Road, Plantation Road and Postal Lane near Lewes.

According to the information received, you are seeking rezoning of 11 acres from AR-1 to B-1 for business campus. As of the date of this letter, the size of the buildings and the specific uses had not been determined. Once this is determined, you should contact our office to determine if the site plan meets the criteria to be reviewed through PLUS.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

The following are a complete list of comments received by State agencies:

**Office of State Planning Coordination – Contact: Bryan Hall 739-3090**

The OSPC has no objection to the proposed rezoning of this parcel from AR-1 to B-1 to allow for the permitted use of the proposed medical center and would encourage the applicant to work with Sussex County Planning and Zoning to meet all necessary requirements to ensure compliance with the current 2003 Comprehensive Land Use Plan.

In addition, this office recognizes that the proposed project is within the Environmentally Sensitive District of Sussex County. This office would recommend that the developer work with DNREC to allow for better site design to meet their many environmental concerns within this area as well as to work with DEL-DOT to address their continued concerns regarding traffic within this region as that office continues to plan for the Western Parkway Project. If you have any question please contact my office.

**Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685**

The historic resources at the Division of Historical & Cultural Affairs- State Historic Preservation Office do show that there are two known Cultural Resource Survey (CRS) sites on or with area of where this parcel is located. CRS sites are S-966, it refers to a dwelling, and it is on this parcel. In addition, there is also a possibility that there could be prehistoric or historic-period archaeological sites could exist on the parcel, or within the area of where this parcel is located. If this development is approved or proceeds, we (the Division of Historical & Cultural Affairs-State Historic Preservation Office) would like the opportunity to examine the area prior to any ground-disturbing activities, to see if there are in fact any archaeological sites on the parcel and to learn something about their location, nature, and extent.

It is also important for the developer to include sufficient landscaping around this project area, in order to protect the other historic properties in or within this specific area from the adverse visual and noise effects that may come from this commercial development. If you (the developer) would like to discuss this information or other issues further, you are certainly welcome to contact the Division of Historical & Cultural Affairs at (302) 744-7400 ext.25

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

The Bariglio Corporation (Todd Bariglio) seeks to develop an approximately 85,000 square foot general and medical office complex on an approximately 11.5-acre parcel (Tax Parcel 3-34-12.00-2.00) located on the northwest corner of Cedar Grove Road

(Sussex Road 283) and Plantation Road (Sussex Road 275). The land is zoned MR in Sussex County and rezoning to B-1 is needed to permit the proposed development.

On June 20, 2007, DelDOT wrote to Sussex County regarding the rezoning application for this project. A copy of the letter is enclosed. As explained in that letter, they would typically require a traffic impact study (TIS) for a commercial rezoning of this size. In this case, however, the developer has offered to realign the east end of Cedar Grove Road opposite Postal Lane, and they are negotiating with them in this regard. From a previous proposal to develop this site, DelDOT already has a plan for the realignment. In their estimation, this realignment and a signal agreement for the intersection of Plantation Road, Postal Lane and Cedar Grove Road, would be the main requirement resulting from a TIS anyway. Therefore, if DelDOT can successfully complete this negotiation and obtain an adequate commitment to an acceptable realignment and a signal agreement, they will not require a TIS. In either case, DelDOT will advise Sussex County as to the outcome of our negotiations.

DelDOT has not seen a site plan for the subject development and therefore we have no comments in that regard now.

**The Department of Natural Resources and Environmental Control – Contact:  
Kevin Coyle 739-9071**

### **Water Supply**

The project information sheets state that water will be provided to the project by connecting to an existing system. DNREC records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 83-W-15. It is recommended that the developer contact Tidewater Utilities to determine the availability of public water. Any public water utility providing water to the site must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. Should an on-site public well be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

### **Sediment and Erosion Control/Stormwater Management**

The Stormwater program has no objection to the rezoning request. However, prior to land disturbing activity greater than 5,000 square feet, and as soon as possible prior to site plan development if possible, the applicant should contact the Sussex Conservation at 302-856-7219 to schedule a pre-application meeting to discuss stormwater management and erosion and sediment control plans. Use of green technology practices and low impact development practices are recommended where feasible.

### **State Fire Marshal's Office – Contact: Duane Fox 856-5298**

The State Fire Marshall's Office has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.

As a note, applicant was advised at the PLUS meeting that prior to development and specifications and development of the property, the local office of the State Fire Marshal is to be contacted.

Preliminary meetings with Fire Protection Specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.delawarestatefiremarshal.com](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.

**Department of Agriculture - Contact: Scott Blaier 698-4500**

The Delaware Department of Agriculture has no objections to the proposed rezoning request. The *Strategies for State Policies and Spending* encourage environmentally responsible development in Investment Level 3 areas.

**Public Service Commission - Contact: Andrea Maucher 739-4247**

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

**Department of Education – Contact: John Marinucci 735-4055**

This proposed development is within the Cape Henlopen School District. This is a commercial/industrial development with no apparent impact on educational infrastructure, capacity or demand. DOE has no comments or objections to this rezoning request.

**Sussex County – Contact: Richard Kautz 855-7878**

The developer should provide visual and sound buffers from the adjacent dog kennels for their project.

Because this project is situated in an Environmentally Sensitive Development Area, the required report should include how the PLUS comments have been addressed and how the plan has been revised accordingly.

The Sussex County Engineer Comments:

The parcel and an adjoining parcel were annexed into the West Rehoboth Expansion Area following approval of a sanitary sewer concept plan for a 49 unit residential development. The parcel does not have sewer service at this time. Extensive system upgrades and an extension of mainline sewer were required to be completed by the developer, at the developer's expense, before the parcel could receive sewer service. Approval of the residential development was conditioned on the developer extending sewer service and completing offsite upgrades. Upgrades include a bypass of existing gravity line, by extending an existing force main from it's existing connection point near the west end of Postal Lane to a new connection point in Route 1.

Off site system upgrades and an extension of sewer service that was to be completed by the developer have not been completed. Sewer service is not available at this time. Sussex County will consider future sewer service when a new concept plan for the current proposal is submitted for review and approval. Compliance with Amendment Number 1 of the West Rehoboth Expansion Capacity Evaluation, The North Coastal Planning Study and previous correspondence is required.

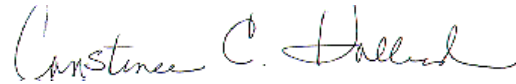
The proposed project and rezoning involves only a portion of the parcel. The parcel size is approximately 12.46 acres. Sussex County is opposed to the rezoning because it may result in higher density than allowed under AR zoning. Any project that exceeds 36,000 square feet of office space (on 9.0 acres) will require additional review and analysis of the downstream system. Additional upgrades at the developers expense should be considered likely.

For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-1299.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director

CC: Sussex County



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

CAROLANN WICKS, P.E.  
SECRETARY

June 19, 2007

Mr. Lawrence B. Lank, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Mr. Lank:

Enclosed are Support Facilities Reports for the Bariglio Corporation rezoning applications, our application numbers S-07-06-03 and S-07-06-04. The subject properties are a 5.00-acre parcel and a 9.00-acre parcel, located at the southeast and southwest corner at the intersection of Cedar Grove Road (Sussex Road 283) and Plantation Road (Sussex Road 275), respectively. The properties are currently zoned AR-1 (Agricultural Residential) and the applicant is seeking to rezone the lands to B-1 (Neighborhood Business) for medical and general office uses.

The Department will not require a Traffic Impact Study (TIS) for the rezoning of either property, if an agreement can be reached whereby the applicant will realign Cedar Grove Road directly across from Postal Lane (Sussex Road 283) and the applicant enters into a signal agreement with the Department for that intersection. Once the agreements are executed, we will waive the requirement for a TIS and notify the County.

Please contact Mr. Todd Sammons, at (302) 760-2134, if you have questions concerning this correspondence.

Sincerely,

T. William Brockenbrough, Jr.,  
County Coordinator  
Development Coordination

TWB:tsm

Enclosures

cc: Constance C. Holland, State Planning Coordinator, Cabinet Committee on State Planning Issues  
Darrel Cole, Director, Public Relations  
Assistant Director, Statewide and Regional Planning  
Theodore G. Bishop, Assistant Director, Development Coordination  
Marc Cote, Subdivision Engineer, Development Coordination  
William J. Dryden, Transportation Planner, Project Development South, DOTS  
Gemez Norwood, South District Permit Supervisor, Maintenance and Operations  
John T. Flori, Subdivision Manager, Development Coordination  
Todd J. Sammons, Project Engineer, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination





**STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION**

**Support Facilities Report**

Application #: S-07-06-03

SUSSEX COUNTY

Parcel # 334-12.00-51.00

Name: Bariglio Corporation

Received Date: 06/04/2007

Approved Date: 06/15/2007

**PART I - Preliminary Traffic Data****A. Estimated traffic generation for fully developed site:****1. Under Existing Zoning:** Land use Agriculture

Zoning classification	Average daily traffic (estimated)	Projected hourly volume during the peak		a. X (Coincides with Highway Peak Hour)
		A.M. Hour	P.M. Hour	b. Off Highway Peak Hour
AR-1	125 vpd	16 vph	13 vph	
Assumes development as 10.00 Single-Family Detached Housing (ITE Land Use Code 210) each generating as in "ITE Trip Generation".				
Total	125 vpd	16 vph	13 vph	

**2. Under Proposed Zoning: (maximum generation rate for zoning)**

Zoning classification	Average daily traffic (estimated)	Projected hourly volume during the peak		a. X (Coincides with Highway Peak Hour)
		A.M. Hour	P.M. Hour	b. (Off Highway Peak Hour)
B-1	1625 vpd	112 vph	150 vph	
Assumes development as Medical-Dental Office Building (ITE Land Use Code 720) generating on a per square foot basis as in "ITE Trip Generation".				
Total	1625 vpd	112 vph	150 vph	

**B. Existing Traffic Data**

Source	3 Traffic Summary
Road 1 CEDAR GROVE RD (ROAD 277 to ROAD 275)	
Annual Average Daily Traffic (AADT)	1096 vpd
Summer Average Daily Traffic (SADT)	1096 vpd
Peak Hour Volume	161 vph
Year of Traffic Count	99
Road 2 275 (ROAD 24 to ROAD 283)	
Annual Average Daily Traffic (AADT)	5525 vpd
Summer Average Daily Traffic (SADT)	5525 vpd
Peak Hour Volume	809 vph
Year of Traffic Count	1997

**C. Projected traffic growth from committed developments as supplied by the County Planning Office (see attached listing of committed developments).**

X No information received from County Planning Office.

Road #	ADT	Dem. Vol.	a. (Coincides with Highway Peak Hour)
Road 1			b. (Off Highway Peak Hour)
Road 2			





STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION

## Support Facilities Report

Application #: S-07-06-03

SUSSEX COUNTY

Parcel # 334-12.00-51.00

Name: Bariglio Corporation

Received Date: 06/04/2007

Approved Date: 06/15/2007

- D. Currently Planned Highway Improvements that will have an impact on this project (scheduled for completion in the Department of Transportation 6 year Capital Improvement Program or State Bond Bill):
1. Projects awarded and /or under construction:

2. Projects on current DelDOT CTP with anticipated completion:

## PART II - Traffic Analysis

These service volumes and levels of service are based on analyses of highway segments without accounting for local intersection improvements. Capacity is controlled by one or more intersections.

- A. ☐ The Proposed action will have no significant impact on traffic.  
☐ The Department of Transportation recommends that a traffic impact study be done by the developer prior to any action on this rezoning application.  
☒ A traffic impact study is not recommended. Continue with analysis.  
☐ The need for a traffic impact study is addressed in a separate letter, along with other issues relevant to this application.

## B. Existing Conditions With No Development

Road 1	161 vph (one way)	A	a. <input checked="" type="checkbox"/> (Coincides with Highway Peak Hour)
Road 2	809 vph (one way)	E	b. <input type="checkbox"/> (Off Highway Peak Hour)

## C. Existing Conditions With Development Under Existing Zoning

Existing peak hour traffic plus site generated traffic and projected level of service with no highway improvements during the peak hour.

Road 1	177 vph (one way)	A	a. <input checked="" type="checkbox"/> (Coincides with Highway Peak Hour)
Road 2	825 vph (one way)	E	b. <input type="checkbox"/> (Off Highway Peak Hour)

## D. Existing Conditions With Development Under Proposed Zoning

Existing peak hour traffic plus committed development plus site generated traffic and projected level of service with no highway improvements during the peak hour.

Road 1	311 vph (one way)	B	a. <input checked="" type="checkbox"/> (Coincides with Highway Peak Hour)
Road 2	959 vph (one way)	E	b. <input type="checkbox"/> (Off Highway Peak Hour)

Comments:

None



STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION

Support Facilities Report

Application #: S-07-06-04                      SUSSEX COUNTY                      Parcel # 334-12.00-2.00  
Name:                      Bariglio Corporation  
Received Date: 06/04/2007  
Approved Date: 06/15/2007

PART I - Preliminary Traffic Data

A. Estimated traffic generation for fully developed site:

1. Under Existing Zoning: Land use Agriculture

Zoning classification	Average daily traffic (estimated)	Projected hourly volume during the peak		a. X (Coincides with Highway Peak Hour)
		A.M. Hour	P.M. Hour	b. Off Highway Peak Hour
MR	437 vpd	37 vph	46 vph	
Assumes development as 39.00 Single-Family Detached Housing (ITE Land Use Code 210) each generating as in "ITE Trip Generation".				
Total	437 vpd	37 vph	46 vph	

2. Under Proposed Zoning: (maximum generation rate for zoning)

Zoning classification	Average daily traffic (estimated)	Projected hourly volume during the peak		a. X (Coincides with Highway Peak Hour)
		A.M. Hour	P.M. Hour	b. Off Highway Peak Hour
B-1	3261 vpd	211 vph	271 vph	
Assumes development as Medical-Dental Office Building (ITE Land Use Code 720) generating on a per square foot basis as in "ITE Trip Generation".				
Total	3261 vpd	211 vph	271 vph	

B. Existing Traffic Data

Source	5 Traffic Summary
Road 1 PLANTATION RD. (CEDAR GROVE RD., RD. to RD. 18A)	
Annual Average Daily Traffic (AADT)	11863 vpd
Summer Average Daily Traffic (SADT)	11863 vpd
Peak Hour Volume	1738 vph
Year of Traffic Count	5
Road 2 CEDAR GROVE RD (ROAD 277 to ROAD 275)	
Annual Average Daily Traffic (AADT)	1096 vpd
Summer Average Daily Traffic (SADT)	1096 vpd
Peak Hour Volume	161 vph
Year of Traffic Count	99

C. Projected traffic growth from committed developments as supplied by the County Planning Office (see attached listing of committed developments).

X No information received from County Planning Office.

Road #	ADT	Dem. Vol.	a. (Coincides with Highway Peak Hour)
Road 1			b. (Off Highway Peak Hour)
Road 2			



STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION

## Support Facilities Report

Application #: S-07-06-04 SUSSEX COUNTY Parcel # 334-12.00-2.00  
Name: Bariglio Corporation  
Received Date: 06/04/2007  
Approved Date: 06/15/2007

D. Currently Planned Highway Improvements that will have an impact on this project (scheduled for completion in the Department of Transportation 6 year Capital Improvement Program or State Bond Bill):

1. Projects awarded and /or under construction:

2. Projects on current DelDOT CTP with anticipated completion:

## PART II - Traffic Analysis

These service volumes and levels of service are based on analyses of highway segments without accounting for local intersection improvements. Capacity is controlled by one or more intersections.

- A. ☐ The Proposed action will have no significant impact on traffic.  
☐ The Department of Transportation recommends that a traffic impact study be done by the developer prior to any action on this rezoning application.  
☒ A traffic impact study is not recommended. Continue with analysis.  
☐ The need for a traffic impact study is addressed in a separate letter, along with other issues relevant to this application.

## B. Existing Conditions With No Development

Road 1	1738 vph (one way)	E	a. <input checked="" type="checkbox"/> (Coincides with Highway Peak Hour)
Road 2	161 vph (one way)	A	b. <input type="checkbox"/> (Off Highway Peak Hour)

## C. Existing Conditions With Development Under Existing Zoning

Existing peak hour traffic plus site generated traffic and projected level of service with no highway improvements during the peak hour.

Road 1	1784 vph (one way)	E	a. <input checked="" type="checkbox"/> (Coincides with Highway Peak Hour)
Road 2	207 vph (one way)	A	b. <input type="checkbox"/> (Off Highway Peak Hour)

## D. Existing Conditions With Development Under Proposed Zoning

Existing peak hour traffic plus committed development plus site generated traffic and projected level of service with no highway improvements during the peak hour.

Road 1	2009 vph (one way)	E	a. <input checked="" type="checkbox"/> (Coincides with Highway Peak Hour)
Road 2	432 vph (one way)	C	b. <input type="checkbox"/> (Off Highway Peak Hour)

Comments:

None